

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office action dated March 25, 2008, and reconsideration of the rejected claims is respectfully requested in view of the following comments.

A petition for a one-month extension of time accompanies this response together with the appropriate fee. Accordingly, the deadline for responding to the Office Action has been extended until July 25, 2008, and this response is therefore timely filed since it was deposited in the mail for First Class Delivery Service on the date certified on the front page hereof.

With respect to the rejection of claim 1 under 35 USC §112, second paragraph, claim 1 has been amended to delete the objectionable language. As amended, claim 1 is now believed to be in full compliance with the statute.

Applicant respectfully submits that the subject matter of claims 1-11 is neither shown nor suggested by the prior art taken alone or in combination. Specifically, claims 1-8 and 11 are not rendered obvious by the basic combination of Carides et al US 2001/0035645 ("Carides") and Fukumoto US 5,779,482 and the applied secondary prior art comprising Bright US 5,753,350 and Dorpfeld et al US 5,449,240 ("Dorpfeld"), for the reasons discussed below. Additionally, claims 9 and 10 are not rendered obvious by the combination of Summers US 5,566,823 in view of Carides as modified by Fukumoto, for the reasons expressed below.

Applicant respectfully submits that all of the pending claims define a unique material that includes printed information and further legible information, distinct from the printed information and made up in the form of reliefs which cooperate with the printed information and which appear to be superimposed on the printed information. Such superimposing of the reliefs on the printed information is accomplished without changing the legibility of the printed information.

The primary Carides reference is significantly different from the present invention in that it simply comprises a label structure that includes three plies of material, namely a base ply 14, a middle ply 22 and an outside ply 26. These plies are efficiently laminated to one another to form a single assembly 10 which may be attached to a substrate such as a bottle B. The middle ply 22 includes printed material and the base ply 14 is sealed to outer ply 26 with the printed ply therebetween. Nothing more is shown, and clearly there is no disclosure or suggestion of applicant's legible information 5 distinct from the printed information 4 and made up in the form of reliefs 51.

In the outstanding rejection the Examiner relies upon Fukumoto for applicant's claimed legible information in the form of reliefs, but there is no suggestion for adding anything to the outside or elsewhere on the label structure of Carides. Accordingly, without any such suggestion for the combination of Carides and Fukumoto, the Examiner is resorting to prohibited hindsight while improperly utilizing the present disclosure as the blue print for such change.

Applicant is the first to admit that embossing or other ways of deforming a substrate is old in the art, but the deformation recited in claim 2 is in the context of both printed information 4 and legible information 5 in the form of reliefs which cooperate with one another so that the reliefs appear to be superimposed on the printed information. Figure 4 of Bright is significant in that it shows a label 60 including printed information as well as ridges 70, but the printed information and ridges are distinct and separate from one another. They do not cooperate with one another and the ridges do not appear to be superimposed on the printed material.

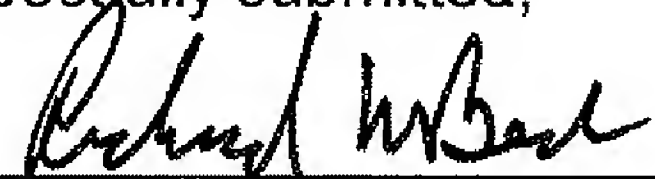
Applicant acknowledges that the Dorpfeld reference shows an apparatus for embossing Braille labels, but the combination of Carides and Fukumoto taken with Dorpfeld falls short of suggesting the subject matter recited in claims 4-8 and 11. Here again the essence of each of these claims is a basic material that includes printed information and further information in the form of reliefs both of which cooperate with

one another so that the reliefs appear to be superimposed on the substrate without changing the legibility of the information.

The packaging and receptacle inner liner of claims 9 and 10 both include the material of claim 8. Summer simply discloses a toothbrush holder having Braille markings on a tray 16 found within the interior of the holder. Clearly there is no teaching or suggestion of applicant's printed information and further information in the form of reliefs both of which cooperate with one another so that the reliefs appear to be superimposed on the printed information without changing the printed information. The combination of Carides and Fukumoto falls short for the reasons discussed above. Equally significant that there is no suggestion or motivation to alter the structure of Summers in the manner recited by the Examiner in the Office Action.

Accordingly, for the reasons expressed above it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

By 

Richard M. Beck

Registration No.: 22,580

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P. O. Box 2207

Wilmington, Delaware 19899-2207

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant

618834